

THE MARYLAND WILDLIFE ADVISORY COMMISSION
MINUTES – NOVEMBER 13, 2002

Chairman Tim Lambert called the meeting to order at 9:40 a.m. without a quorum.

Approval for Minutes from October 2002 Meeting

- October meeting minutes are deferred to the next meeting. The minutes will not be posted on the DNR website until the Commission approves them.

Threatened and Endangered Species Regulation Proposals

- Presentation by Glenn Therres, Associate Director of Natural Heritage Program
- Provided a brief summary on what is being proposed to the Threatened and Endangered Species List.
 - 1) Explanation of Global and State Species Ranks [Attachment A]
 - 2) Proposed 2002 State Listing Revisions for Animals (8/23/02) [Attachment B]
 - 3) Proposed 2002 State Listing Revisions for Plants (8/23/02) [Attachment C]
 - 4) Criteria for Endangered, Threatened, and In Need of Conservation [Attachment D]
- State Botanist and State Zoologist are responsible for evaluating the status of plants and animals for the Department.
 - 1) The Natural Heritage Program has a database that includes information on species that has been provided from experts in the private sector, academic sector and federal sector.
 - 2) The Natural Heritage Program partners with surrounding states to gain input.
 - 3) We regularly compile, evaluate and make changes to the information.
- We maintain a database called Geographic Information Systems (GIS), which is a sophisticated mapping and data summary system.
 - 1) The database includes known species locations and protection boundaries to show needed habitat.
 - 2) We use the database to provide information to consultants and developers. We receive over 3,000 project proposals a year from various sources.
 - 3) This agency had been without the database manager for over a year. Holly Sepety just started with Wildlife and Heritage Service (WHS) as the new database manager.
 - (a) This is a fundamental position for all State Heritage Programs or Threatened and Endangered Species Programs.
 - (b) We will work toward building an outreach program for the communities and homeowner associations.
- The State Threatened and Endangered Species Lists have 595 plants and animals, which include 136 animals and 459 plants.
- Every two years, the Natural Heritage Program tries to update the Endangered and Threatened Species List.
 - 1) We are trying to change the status of about 34 species of animals and 34 species of plants.
 - (a) Animal Species:
 - (i) Proposing to add six new animals as endangered species
 - (ii) Proposing to add seven new animals as threatened species
 - (iii) Proposing to add five new animals as in the need of conservation.
 - (iv) Reclassify six species to the endangered category that are listed under another category
 - (v) Reclassify two species to the threatened category that are listed under another category
 - (vi) Reclassify two species to the in need of conservation category from another category
 - (vii) Reclassify four animal species that have disappeared from the State as endangered extirpated.
 - (viii) Delist one animal species because it has been determined that it does not occur in the State.
 - (ix) Reclassify one species from endangered statewide to endangered only in two counties.
 - (b) Plant Species:
 - (i) Proposing to add eight new plants as endangered species
 - (ii) Proposing to add three new plants as threatened species
 - (iii) Reclassify four species of plants as endangered
 - (iv) Reclassify four species of plants as threatened
 - (v) Remove fifteen species of plants from the list
 - 2) The size of the species population, threats, habitat loss, and other factors are contributing factors to the process of adding the species to the list.
- We will be formally submitting the Threatened and Endangered Species Regulation Proposal to be published in the Maryland Registry.
 - 1) We may have a least one public meeting, so the public can provide their comments.
 - 2) Depending on the comments we will move forward or make modifications.

- The Federal Listing Process:
 - 1) Any federal action must go through the Federal Registry.
 - 2) U.S. Fish and Wildlife Service (USFWS) will make an announcement and then present the information for public comments Goals of the Chesapeake Forest Lands
- Questions and Answers
 - 1) Commissioner Lamp asked if the Commission needed to vote on the proposals.
 - (a) No, we wanted to keep the Commission aware of the process.
 - (b) We rely on the experts in the private sector, the academic sector and the federal sector to assist with the information and the evaluation of the data.
 - 2) Commissioner Adams asked how the State List is compared with the Federal List.
 - (a) The State List is larger than the Federal List.
 - (b) In addition, any species listed on the Federal list is automatically included on the State List.
 - 3) Chairman Lambert asked what the contributing factor was for the loss or reduction of these species.
 - (a) They are several reasons for the declines or losses in these species, such as loss of habitat and even invasive species.
 - 4) Commissioner King commented that the Natural Heritage Program has done a huge amount of work with compiling the data for these documents. He also, mentioned that the rank numbers may show a species doing well on the Global List but on the State of Maryland List the ranks are declining or are much lower. Commissioner King asked a series of questions:
 - (a) Why are the ranks smaller or declining on the State List and the ranks larger on the Global List?
 - (i) The State position on the continent is a factor; a lot of species are located over a vast range, either to the North, the South or the West.
 - (ii) The cores ranges of a lot of these species listed as G4 or G5 are located in the North, the Midwest, or the South so we are on the periphery of the range.
 - (iii) The State has experienced reduction in habitat.
 - (iv) Several species are glacier related in that their distribution was affected by past glacial periods.
 - (b) How important are these species to the State's ecology?
 - (i) Every native species in the State has some significance.
 - (ii) The level of the significance varies in many cases, therefore this is undetermined.
 - (c) What is being done to increase the numbers of the important species?
 - (i) When the species becomes listed they will receive protection from various sources.
 - (ii) We use permits as one of the forms of monitoring the activities.
 - (iii) We have Landowner Incentive Programs that are programs to help maintain and encourage conservation.
 - 5) Commissioner Adams asked if any Federal Endangered Species money is coming into the State.
 - (a) Section (6), which is the additional federal money that is provided to the State for federal listed species.
 - (i) We received \$31,000 of federal money a year to work on about 20 species.
 - (ii) We could use the federal money for federally listed species that are also State listed species.
 - (b) The CARA money could be used for State and the Federally Endangered and Threatened Species.
 - 6) Commissioner Adams asked if the Heritage Service monitored the areas for development.
 - (a) It depends on the location; for example, many plants are wetland dependent; therefore, we work closely with the Maryland Department of Environment (in their wetland permits process).
 - (b) Also, we work with the Critical Areas Program, which was implemented through the local jurisdictions' Planning Zoning Offices. Furthermore, in some cases we are working outside the Critical Areas Program with the Smart Growth Program.
 - (c) Additionally, we work regularly with the U.S. Fish and Wildlife Service (USFWS) for species listed on the Federal List.
 - 7) Chairman Lambert asked if the State requires the consultants and the developers to request information on the properties before proceeding with their projects.
 - (a) Yes, for critical areas but on non-critical areas we depend on the county application for Smart Growth and etc.
 - (b) In most cases, the developers are looking for environmental restraints before they proceed with their permit applications.
 - 8) Mr. Carl S. DeMatteo asked how the change in legal status affects your level of habitat protection.
 - (a) If the species was listed as threatened and the proposal is to remove the species from the list then that species will lose the protection opportunity.

- (b) In addition, if the species was listed previously as protected and it gets elevated to Endangered or Threatened status then the protection is moved to affect take or indirect take (that could be different things).
 - (c) The landowner owns plants; therefore, the landowner could kill or dig the plant up, but he or she cannot move it from his or her property. If the plant is moved from his or her property then at that point it is the State jurisdiction if it is a protected plant.
 - (d) Animals are held in a public trust; as a result, they have protection under the law. We have different situations that require different solutions.
- The Turtle Bill
 - 1) Historically, the Health Department prohibited the possession of turtles less than 4 inches in size. Therefore, by default, prohibiting breeding because you cannot produce 4 1/2 inch eggs out of a turtle (they are always smaller than 4 inches when they hatch).
 - 2) The law had been in effect for about ten years.
 - 3) The 2002 General Assembly passed HB 1107 "The Turtle Bill." If an individual possesses one of DNR reptiles and amphibians permits they are exempt from the prohibition on the possessing of turtles less than 4 inches or breeding.
 - 4) The draft changes to the regulations that will allow the breeding and possession of turtles less than four inches in size if the individual has our permit.
 - (a) Three categories of the Reptiles and Amphibians:
 - (i) List A: No real conservation concerns; possession limit four without a permit after four must obtain a permit from DNR.
 - (ii) List B: Species an individual can possess but under stringent requirements.
 - (iii) List C: Threatened and Endangered Species (TES) and no possession allowed.
 - (b) We have several other changes to the regulations.
 - 5) Bog Turtles will be removed from List B to List C to comply with federal requirements.
 - 6) We will be changing the status of a few other species then we will draft changes to regulations.
 - (a) We will meet with the stakeholders and the pet industry to gather comments.
 - (b) We will proceed with obtaining public comments.
 - 7) The current list of TES is on the DNR website and the handouts are the proposals to the TES List.
- Questions and Answers
 - 1) Commissioner King asked what the average citizen could do to help protect these species.
 - (a) He or she can contribute financially to the Chesapeake Bay Endangered Species Fund on your tax return (half of the proceeds go to DNR).
 - (b) He or she could participate in the Smart Growth Program and become more environmentally conscious. Also, encourage your elected officials to become environmentally conscious.
 - 2) Commissioner King asked what the communities with wetlands could do to help.
 - (a) Wetlands-related species benefit from stream buffers and vegetated buffers.
 - (b) The vegetated buffers can enhance water quality and provide protection for the wetlands.
 - 3) Director Paul Peditto commented that the Wildlife and Heritage Service method is driven by thoughtful scientific development.
 - (a) The ultimate goal of our agency is to seek delisting for all listed species because they have sufficiently recovered. We encourage you to help relate this information to the public.
 - (b) In addition, our new Habitat Conservation Program driven by Conservation Reserve Enhancement Program (CREP) will help species that benefit the most from these buffers. Ultimately, the goal is to assist landowners and provide education to the non-traditional landowner communities and the homeowner associations.
 - (c) Mr. Bob Beckett stated that the DNR website has information on outreach programs; for example, 52 ways a homeowner can help clean up the Chesapeake Bay. DNR tries to elevate the general level of understanding the-land and property owner.

Fur Resources Advisory Committee Report

- Presentation by Mr. Tom Ireland, Chairman and Mr. Robert Colona, State Furbearer Biologist
- The Fur Resources Advisory Committee is working with the DNR and other organizations in the State to further educate people about hunting.
- We are moving forward with the Fur User License. In preparation for the Fur User License we will require mandatory education for all fur user groups.
 - 1) We are working with the Maryland Association of Wildlife Conservation (MAWC) on the general outline for the basic trapping education in the State.
 - 2) We will help with the structure of the Fox Chaser Education Course, and our goal is to propose this for next year.

- Current Topics
 - 1) Coyotes are increasing in Maryland. As a result, the Maryland Association of Wildlife Conservation is trying to fund a study through the University of Maryland using students and the assistance of Robert Colona to do some research.
 - 2) People have been sighting raccoons more in the State.
 - 3) In Queen Anne's County law, the removal of the wording to disallow fox trapping was approved and Mr. Colona is working on the regulations.
- Comments
 - 1) Commissioner Lamp recalled information from the April 19, 2000 WAC Minutes that the goal was to get public input on leghold traps.
 - (a) At that time, the Commission voted on that with a ratio of four to three against that and it failed.
 - (b) One of the concerns that have resulted in incredible amount of controversy is the steel jaw leghold trap.
 - (c) The finest organizations in the world, such as The American Animal Hospital Association with 2,800 hospitals and the American Veterinary Medical Association with 62,000 members recommend that this equipment not be used.
 - (d) We have been waiting for the study on leghold traps from the group Best Management Practice (BMP).
 - 2) Mr. Colona asked that the use of leghold traps be added to the agenda for discussion. Chairman Lambert approved the adjustment to the agenda.

The Use of Leghold Traps

- Presentation by Robert Colona, State Furbearer Biologist
- At the last meeting, Steve Bittner discussed the Bowhunter Survey Form [Attachment E].
- The surveys were mailed to about 11,000 hunters.
 - 1) A cover letter went out with a deadline of March 1, 2003.
 - 2) At this point, we received about thirty surveys back.
- The survey asked series of four observation questions.
- The survey should provide DNR a large amount of data that entails data of observation per hour by participates of a hunt. This approach is being done in several states and it generates a lot of data at a minimal cost.
- The reason why we chose bowhunters was that they spend more time in the field. The bowhunter average is fourteen to fifteen days in the field.
- Best Management Practices (BMP's)
 - 1) BMP was initiated about four or five years ago, partially in response to a bilateral agreement between the United States, Canada, Russia, and the European Union to develop the most humane methods for trapping standards in the individual sovereignties.
 - (a) Canada and Russia has "Binding Agreements" which is a very high anarchy structure in management of wildlife.
 - (b) United States has a "Signed Understanding." It is not a "Binding Agreement" because the federal government does not have the judicial authority to sign an agreement on behalf of the individual states.
 - (c) It was a parallel approach that was taken place from the individual states to modernize trapping to improve efficiencies and animal welfare attributes.
 - 2) The US and Canada are testing traps on fourteen different furbearer species.
 - (a) The BMP product on the Eastern Coyote should be available by the beginning of next year.
 - (b) The BMP product on the raccoon should be available in another year.
 - (c) The BMP are not regulations or recommendations for the states to adopt.
 - (d) We are looking at the effectiveness of different trapping devices.
 - (e) By the time we are done with this study, we would have tested every trap on every furbearer species in North America.
 - (f) The Canadians will be doing the kill trap test because they have the testing facilities and the United States will adopt the finding of that study.
 - 3) We are bound by a confidentiality agreement to not disseminate data. Mr. Colona was required to sign an agreement with the U.S. Government and Canadian Government before being part of the technical committees.
 - 4) The public can research the on going studies and past studies on the International Association of Fish and Wildlife website.
- Questions and Answers

- 1) Commissioner Lamp emphasized that 88 countries including Norway, Sweden, England, Portugal and Germany banned leghold traps.
 - (a) Historically, Nigeria and Niger never had furbearers therefore never used leghold traps. However, Norway, Sweden, and Germany, and European countries still use leghold traps but not for recreational purpose.
 - (b) The trappers have to pay thousands of dollars every year to use these same devices to handle nuisance complaints.
 - 2) Commissioner Lamp pointed out the potential problem with leghold traps is that they are not designed to distinguish the different type of animal species.
 - (a) The leghold trap is a legal tool that is supported by the General Assembly. Until science provides sufficient evidence to the Executive Branch, regarding the use of leghold traps, they are appropriate to use.
 - (b) DNR is not supposed to determine whether those 88 countries have significant evidence for DNR to take this out of law. DNR does not have this authority.
 - (c) Commissioner Lamp emphasized that this argument is not clear.
 - (d) Commissioner Lamp stated that the information should be diffused to the public-at-large.
 - (e) Commissioner Adams added that things are moving forward on the international level. It seems that a lot of these issues go back to ethics.
 - 3) Commissioner Lamp drew attention to the February 16, 2001 WAC Minutes where former Chairman Goetze discussed a 15-page document regarding information on the use of leghold traps to trap live captive for use of controlling and locating of animals. Chairman Goetze hoped to distribute the document to all the Commissioners but needed approval from the Secretary in order to do so.
 - (a) Director Peditto outlined that the documented was an internal Memorandum that was done as part as a briefing document for the State House. We were not permitted to release that document and the document that former Chairman Goetze had in his possession was not obtained from anyone in this room.
 - (b) Chairman Lambert informed the Commissioners that the Maryland Sportsmen's Association received a copy of the document through the "Freedom of Information Act."
 - (c) Director Peditto cannot release the information without receiving approval from the Secretary.
 - (d) Commissioner Lamp defined that we are the Wildlife Advisory Commission and we have to go through the "Freedom of Information Act" to obtain this document and we are supposed to report back to the public.
 - (i) Chairman Lambert inquired as to whether the Commission would like for him to request a copy of this document through the "Freedom of Information Act" on the behalf of the Commission.
 - (ii) Commissioner Lamp replied "No" just let the discussion be recorded in the minutes.
 - (iii) Commissioner King highlighted that the Commission may agree with Commissioner Lamp but as the Director Peditto stated, "it is law" and until further notice your argument is a moot point. It is not left up to us to decide legality but to look at science.
 - (iv) Director Peditto commented that this document is a very important tool for people who are looking at how leghold traps and traps in general play a role in Wildlife Management in the State of Maryland. Moreover, this document can provide the public informed opinion about why we use this tool and how we use it. Director Peditto is willing to go to the Secretary requesting that the Commission receives a copy of this document.
- Consensus Reached
 - 1) Commissioner Adams motioned that the Commission request a copy of the document whether the request goes through the Secretary or the "Freedom of Information Act."
 - (a) The Commissioners concurred with the motion to request a copy of the document. Motion passed.
 - (b) Director Peditto will request that this document is release to the Commission.

State Forest and Park Service Update

- Mr. Bob Beckett, Chief Resources Management of State Forest and Park Service (SFPS) presented an update on four major topics:
 - 1) We made it through the visitor season without any significant black bear incidences.
 - (a) The bears really raided our dumpsters, which had been modified for bear resistance (maybe inappropriate term to use).
 - (b) SFPS would like to thank the Wildlife staff for providing training on how to use aversive conditioning to chase black bears away from areas inappropriate for them to be. It was a fine course for our field staff. Also, when using this method, it conditions the bear and saves the bear from becoming a more aggressive nuisance and perhaps having to put the bear down.

- 2) The deer-hunting season opens at the end of November.
 - (a) We look forward to it every year. There is a major influx of hunters. The Green Ridge State Forest has large amount of permanent campsites among many miles.
 - (b) Deer hunting helps reduce the impact of the herd on the forest.
- 3) SFPS is about to begin the next cycle of large range plants.
 - (a) This task was only done ten years ago.
 - (i) We want it to be science ecosystem based.
 - (ii) We desire the outcome to be sustainable.
 - (b) We want to make sure we have a monitor component to observe our forest for harvesting, ecological purpose, and recreation. In doing so, we can adapt management practice over a short term and not wait ten years.
- 4) This was mentioned at a previous meeting that the Heritage Program has the lead on Old Growth Inventory, which will be a component of the new 10-year plan. The recreational assessment, habitat assessment, and inventory of biological richness will be part of the 10-year plan.

Natural Resources Police Update

- No report

MSA Update

- No report

Maryland Farm Bureau Report

- We are in our policy development process stages and after our Annual December Meeting, we look forward to working with this Commission through the General Assembly.

Old Business

- Reschedule the discussion of a WAC subcommittee on urban wildlife issues for the February meeting.
 - 1) Encourage the Commissioners to review and make changes to the Operating Guidelines Adopted by the Secretary of Natural Resources [Attachment F].
 - 2) After the discussion, we will present the changes to the Secretary for approval.
- The Conservation and Reinvestment Act (CARA) Teaming with Wildlife by Commissioner Lowell Adams
 - 1) The federal government is giving the State of Maryland some funds and the State has to produce some projects to spend the money on.
 - 2) The Maryland Coalition and the other states coalition are concerned with how the State will spend this money.
 - 3) Last year, the Maryland Coalition and the Commission received a copy of the projects proposal and we were asked to rate these projects. The Commission rated these things and sent them back.
 - 4) This year to reduce the process, Vice Chairman Lowell Adams was selected to be on a panel to represent the Commission.
 - (a) Commissioner Adams compiled a list of Guidelines to DNR for Spending Federal "State Wildlife Grant" Funds [Attachment G], which was a development from previous discussions during the WAC meetings.
 - (b) The 29 projects were rated and scored. All the 29 projects fit within the Teaming With Wildlife Guidelines. To discuss these projects a meeting is scheduled for 4:00 p.m. on November 13th.
- Motion
 - 1) Chairman Lamp motioned for the Commission to support Commissioner Adams' recommendations. The Commissioners agreed on Commissioner Adams' recommendations. Motion passed.

New Business

- Chronic Wasting Disease (CWD)
 - 1) We will be training with veterinarians and the Maryland Department of Agriculture.
 - 2) They will assist with the taking of the samples in the five counties.
- The Black Bear Task Force
 - 1) On November 14th, the Black Bear Task Force will be meeting in Garrett County to present their findings.
 - 2) The information is open for public comments.
- Questions and Answers
 - 1) Commissioner King asked for the name of the other disease discussed in a previous meeting.

- (a) The other disease is Epizootic Hemorrhagic Disease (EHD). The EHD is the disease that was found this year.
 - (b) There is a concern from the public because of the hype awareness of CWD. However, over the years, we think the general public has gotten accustomed to hearing about EHD.
- 2) Commissioner King inquired as to what is the protocol for a hunter or a person that finds a dead deer or sick deer.
 - (a) DNR solicits the public to report it to us, but likely, the deer would have EHD not CWD.
 - (i) We do not want the hunter or person to handle the situation, nor do we want the hunter to shoot the deer.
 - (ii) We encourage the hunter to take precautions that DNR has always recommended in the past.
 - a. Wear rubber gloves when handling the animals and de-bone your meat.
 - b. Clean your equipment and do not mix meats.
 - (iii) The hunters need to take precautions.
 - (b) Our goal is to prove that the State does not have CWD, and we need to do that scientifically.
 - (c) The collecting of the 300 samples will help accomplish our goal.
 - (d) Information is provided on our DNR website.
- 3) Commissioner Lamp inquired as to the reason for holding one public meeting in Garrett County.
 - (a) The Task Force made this decision; and staff is there as technical advisers. We do not direct their activities. The Task Force is charge with getting local vocal input.
 - (b) We answered their questions and provided the Task Force a large amount of information.
 - (c) The Task Force hopes to obtain good feedback.
 - (d) Commissioner Lamp commented that a survey was going out to the public and stated his concern regarding how the Task Force plans to collect data of representation of Maryland on a county-by-county basis with not enough funds.
 - (i) One of the Task Force committee members from Frostburg University had people come in to discuss sampling regimes.
 - (ii) Chairman Lambert will request Tom Matthews, Chairman of the Black Bear Task Force, to give this Commission an overview of the Task Force.
- Chairman Lambert and Director Peditto will be working on the Proposed 2003 WAC Working Agenda.
 - 1) Commissioners need to e-mail Chairman Lambert topics that they desire to discuss for next year.
 - 2) Commissioner Adams made the suggestion to schedule next year's meetings on every third Wednesday of the month.
- New Administration
 - 1) Director Peditto commented that there are about 1,000 employees that serve "At Will," and we have about 20 employees in our unit.
 - 2) The structure we have now works well.
- Question and Answers
 - 1) Commissioner Adams asked what are the traditions of other states with regards to "Civil Servants."
 - (a) The Director of Fisheries, Wildlife and Law Enforcement are at the Secretary level. Most of the time, a board appoints them and the Governor appoints the Board.
 - (b) The Chief of Wildlife, Chief of Freshwater, etc. are not "At Will" employees and the divisions are a little finer.
 - (c) We do have "At Will" management level.
 - 2) The Governor appoints the Commissioners. A Commissioner serves a four-year term and will serve until a successor is appointed.

There being no further business, the meeting was adjourned at 11:45 a.m.

Attendance

Members:	T. Lambert, M. King, J. Lamp, L. Adams,
Guests:	T. Ireland, C. DeMatteo
Staff:	B. Beckett, B. Beyer, S. Bittner, K. Blizzard, R. Colona, D. Hotton, P. Peditto, T. Spencer
Absent:	C. Dollar, G. Fratz, W. Freeland, C. Garner, R. Gregory, K. Jones